

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRUSTEES OF THE TEAMSTERS LOCAL 631)
 SECURITY FUND FOR SOUTHERN NEVADA,)
 et al.,)

Case No. 2:12-cv-01378-LRH-PAL

Plaintiffs,)

ORDER AND ORDER TO SHOW CAUSE

(Mtn for OTSC - Dkt. #20)

vs.)

PERFORMANCE TRADESHOW GROUP, INC.,)

Defendant.)

This matter is before the court on Plaintiffs Trustees of the Teamsters Local 631 Security Fund for Southern Nevada's and Trustees of the Teamsters Convention Industry Training Fund's Motion for Order to Show Cause (Dkt. #20). No response to the Motion was filed, and the time for filing one has run. The court has considered the Motion.

BACKGROUND

On November 9, 2012, the district judge entered default judgment for Plaintiffs against Defendant Performance Tradeshow Group, Inc. ("Performance Tradeshow"). In an Order (Dkt. #11) entered December 18, 2012, the court granted Plaintiff's Motion for a Judgment Debtor Examination, allowing Plaintiffs to conduct a deposition pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. (Dkt. #17). The Order also required Performance Tradeshow's corporate designee to produce certain documents related to Performance Tradeshow's assets. *See* Order (Dkt. #11). Plaintiffs served the court's Order on Performance Tradeshow's registered agent. *See* Affidavit of Service (Dkt. #15).

Performance Tradeshow failed to produce a witness to appear at the court-ordered Rule 30(b)(6) deposition. The court entered an Order to Show Cause (Dkt. #14) on March 5, 2013, ordering

Performance Tradeshow to show cause why contempt and other sanctions should not be imposed for its failure to appear for a duly-noticed deposition. Plaintiffs served the Order on Performance Tradeshow's registered agent. *See* Affidavit of Service (Dkt. #15). Performance Tradeshow did not respond to the Order to Show Cause.

On July 16, 2013, Plaintiffs filed a Motion for Judgment Debtor Exam (Dkt. #17), seeking to conduct a judgment debtor exam of Performance Tradeshow's president, Mr. Phillip Doughty. In an Order (Dkt. #18) entered July 22, 2013, the court granted Plaintiffs' Motion and directed Mr. Doughty to appear on August 14, 2013, for a judgment debtor examination and to produce certain documents concerning Performance Tradeshow's assets. On September 13, 2013, the court vacated its Order to Show Cause in light of the scheduled judgment debtor exam. *See* Order (Dkt. #19).

The instant Motion seeks an Order to Show Cause to be issued against Mr. Doughty. Plaintiffs served Mr. Doughty by leaving copies of the Order (Dkt. #18) with persons of suitable age at Mr. Doughty's last known addresses at 5239 E. Owens Ave., Las Vegas, Nevada, 89110 and 4790 E. Chicago Ave., Las Vegas, Nevada, 89140 on June 26, 2013. *See* Hoover Affidavit, attached to Motion as Exhibit 2. However, neither Mr. Doughty nor any other officer, director, or managing agent of Performance Tradeshow appeared for the judgment debtor exam. *See* Court Reporter's Certificate of Nonappearance, attached to Motion as Exhibit 3. Mr. Doughty has not provided any notice or explanation to Plaintiff for his failure to appear and produce documents as directed by the court.

Having reviewed and considered the matter,

IT IS ORDERED:

1. Plaintiff's Motion for Order to Show Cause (Dkt. #20) is GRANTED.
2. Performance Tradeshow and Phillip Doughty shall show cause in writing no later than **May 5, 2014**, why contempt and other sanctions should not be imposed for their failure to comply with the court's Order (Dkt. #18).
3. A hearing on the Order to Show Cause is set for **Tuesday, May 6, 2014, at 9:00 a.m.**
4. Failure to comply with this Order to Show Cause will result in the imposition of sanctions up to and including a bench warrant for the arrest of Phillip Doughty for his failure to comply with the court's Order (Dkt. #18) and Order to Show Cause.

Dated this 11th day of April, 2014.

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